

RESOLUTION NO. 1010

RESOLUTION OF INTENTION TO GRANT GAS FRANCHISE

**WHEREAS** Pacific Gas and Electric Company, a California utility corporation, has filed with the Council of the City of Lodi an application requesting that a franchise be granted to it of the character and for the purposes mentioned in the form of notice hereinafter set forth; and

**WHEREAS** in the opinion of said Council the public good requires that said franchise be granted;

**NOW, THEREFORE, BE IT RESOLVED** that said Council intends to grant said franchise, that hearing of objections to the granting thereof will be held at the time and place specified in the form of notice hereinafter set forth which the Clerk of said City is hereby directed to publish at least once within fifteen days after the passage of this resolution in THE LODI TIMES, a newspaper of general circulation within said City, and that said notice shall be in the following words and figures:

**"NOTICE OF INTENTION TO GRANT FRANCHISE.**

NOTICE IS HEREBY GIVEN that Pacific Gas and Electric Company, a California utility corporation, has filed its application with the Council of the City of Lodi requesting said council to grant it a franchise for an indeterminate period, as provided in the Franchise Act of 1937, (a) to use, for transmitting and distributing gas within said City for any and all purposes other than those authorized under Section 19 of Article XI of the Constitution of the State of California,

as said section existed prior to its amendment on October 10 1911, all gas pipes and appurtenances which now are or may hereafter be lawfully placed in the public streets, ways and places within said city, and (b) to lay and use in said public streets, ways and places all pipes and appurtenances necessary or proper for said purposes.

If said franchise shall be granted to it, said

Pacific Gas and Electric Company, its successors and assigns, hereinafter designated grantee, shall during the life thereof pay to said city two per cent of the gross annual receipt: of said grantee arising from the use, operation or possession of said franchise; provided, however, that. such payment shall in no event be less than a sum which shall be equivalent to one per cent of the gross annual receipts derived by grantee from the sale of gas within the limits of said city under both the franchise to be granted and the franchise now owned by said grantee by virtue of Section 19 of Article XI of the Constitution of the State of California as said section existed prior to its amendment on October 10 1911. Said percentage will be paid annually from the date of the granting of the franchise applied for and in the event such payment shall not be made said franchise shall be forfeited. Said City Council proposes to grant said franchise for an indeterminate period.

NOTICE IS HEREBY FURTHER GIVEN that any and all persons having any objections to the granting of said franchise may appear before said Council at the City Hall of said city at the hour of 8 p.m. on WEDNESDAY the 6th day of DECEMBER 1939, and be heard thereon; and

NOTICE IS HEREBY FURTHER GIVEN that at any time not later than the hour so set for hearing objections any person interested may make written protest stating objections against the granting of said franchise which protest must be signed by the protestant and delivered to the City Clerk of said City, and the Council shall at the time set for hearing said objections proceed to hear and pass upon all protests so made; and

NOTICE IS HEREBY FURTHER GIVEN that the grantee of said franchise must within five days after the date of granting same file with the Council of said City a bond in the penal sum of one thousand dollars (\$1000.00) running to said City with at least two good and sufficient sureties thereto to be approved by said Council conditioned that such grantee shall well and truly observe, fulfill and perform each and every term and condition of said franchise and that in case of any breach of condition of said bond occurring the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond.

For further particulars reference is hereby made to said application filed as aforesaid in the office of said Council, and also to the resolution

adopted on the 15th day of NOVEMBER  
1939 declaring its intention to grant said  
franchise, numbered Resolution 1010.

Dated: NOVEMBER 15 1939.

By order of the Council of the  
City of Lodi.

J. F. BLAKELY  
City Clerk of  
the City of Lodi.

The foregoing resolution was duly passed and  
adopted by the Council of the City of Lodi at a  
regular meeting of the said Council held on the 15th Day  
of November 1939 by the following vote:

AYES: Councilmen GRAFFIGNA, WEIHE, CLARK & STEELE (Mayor)

NOES: Councilmen NONE.

ABSENT: Councilmen SPOONER.

G. M. STEELE  
Mayor of the  
City of Lodi.

ATTEST:

S. F. Beane  
Clerk of the  
City of Lodi.